

REMARKS

Claims 1-45 are pending in the application. Claims 1-5, 8, 11, 24-28 and 33 are rejected under 35 U.S.C. §102(b). Claims 6-7, 15-23, 29-30 and 37-45 are rejected under 35 U.S.C. §103(a). Claims 9-10, 12-14, 31-32 and 34-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have amended claims 9 and 31 to be written in independent form including all of the limitations of the base claim and any intervening claims and hence claims 9-10, 12-14, 31-32 and 34-36 are allowable. Applicants respectfully traverse these rejections for at least the reasons presented in the response having a mailing date of October 16, 2003 and file a Notice of Appeal concurrently herewith.

Applicants note that claims 9 and 31 were not amended to overcome prior art but to be written in independent form. Hence, the amendments made to claims 9 and 31 were not narrowing in scope and therefore no prosecution history estoppel arises from the amendments to claims 9 and 31. *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 62 U.S.P.Q.2d 1705, 1711-1712 (2002); 56 U.S.P.Q.2d 1865, 1870 (Fed. Cir. 2000). Further, the amendments made to claims 9 and 31 were not made for a substantial reason related to patentability and therefore no prosecution history estoppel arises from such amendments. *See Festo Corp.*, 62 U.S.P.Q.2d 1705 at 1707 (2002); *Warner-Jenkinson Co. v. Hilton Davis Chemical Co.*, 41 U.S.P.Q.2d 1865, 1873 (1997).

CONCLUSION

As a result of the foregoing, it is asserted by Applicants that claims 1-45 in the Application are in condition for allowance, and Applicants respectfully request an allowance of such claims. Applicants respectfully request that the Examiner call Applicants' attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining issues.

Respectfully submitted,

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